

HOUSE BILL 1377

By Crawford

AN ACT to amend Tennessee Code Annotated, Title 36  
and Title 37, relative to dependent and neglected  
children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is known and may be cited as "Eli's Law."

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by  
adding the following new section:

(a) Upon the birth of a child who is born to a parent that has another child in the custody of the department after being removed due to dependency and neglect or, if the department did not have notice of the child's birth, the department's notification that the child has been born, the department shall conduct an immediate investigation based on the immediate threat to the child's safety and well-being, as required by § 37-1-406(a).

(b) There is a rebuttable presumption that a child who is born to a parent that has another child in the custody of the department after being removed due to dependency and neglect is subject to an immediate threat to the child's health or safety to the extent that delay for a hearing would be likely to result in severe or irreparable harm and there is no less drastic alternative to removal of the child from the custody of the child's parent that would reasonably and adequately protect the child's health or safety, as required by § 37-1-114(a)(2). If the department determines that the presumption has been rebutted, and the child is not subject to an immediate threat to the child's health or safety, the department shall provide written notice of the determination, the previous allegations, complaints, or petitions against the parent, and the evidence

rebutting the presumption to the court within twenty-four (24) hours of making the determination.

(c) Following removal of a child from the custody of the child's parent after an investigation required by subsection (a), the department shall not return the child to the parent's custody unless:

(1) A guardian ad litem has been appointed for the child;

(2) A full investigation has been conducted by the department, as required by § 37-1-406, and the results of the investigation, including any previous allegations, complaints, or petitions of abuse or dependency and neglect against the parent, have been presented to the court at a hearing to determine whether the child is dependent and neglected; and

(3) The court determines by clear and convincing evidence that the child will be provided a safe home.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.